

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

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| EXPERIENCE, INC. |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | Civil Action No. 04-11127-JLT |
| |) | (Magistrate Judge Collings) |
| CSO RESEARCH, INC. |) | |
| |) | |
| Defendant |) | |
| _____ |) | |

DECLARATION OF ERIK MULLOY

I, Erik Mulloy, upon oath, declare as follows:

1. My name is Erik Mulloy. I am the president and founder of CSO Research Inc. (“CSO”), the defendant in the above-entitled action. I make this affidavit in opposition to the Motion for Expedited Discovery filed by Experience, Inc. (“Experience”).

2. In 2001, I founded CSO. I hired developers to create a new software package named “Interfase CS.” I was not an author and did not participate in the writing of the CSO software, and did not have access to the 1stPlace! software, other than through memory, during the creation of the Interface CS software. CSO’s developers built Interfase CS from the ground up, without access to or knowledge of the obsolete 1stPlace! software. Indeed, Interfase CS and 1stPlace! were written in different software programming languages. Moreover, the two systems employ completely different database platforms, and they are accessed via completely different methods (Interfase CS via a web browser, 1stPlace! via a desktop operating system).

3. Interfase CS represents a substantial investment by CSO. It contains confidential and proprietary information the disclosure of which to a direct competitor such as Experience could cause irreparable harm to CSO.

4. CSO has consistently taken reasonable and appropriate steps to safeguard the secret and proprietary nature of the Interfase CS product, including access passcodes, SSL encryption, and agreements with prospective clients to keep the information secret.

5. CSO provides access to its product from customers under terms that ensure its confidentiality; it is not publicly available, and clients access through the web is password protected.

6. Interfase CS has been in the market for two years. I have discussed it at conferences with Experience employees and executives present and know that it has been demonstrated in a limited fashion at trade shows that Experience attended. I have presented jointly with Experience executives, including Robert Carbonaro, Vice President of Sales and Client Services for Experience, and Jennifer Floren, Experience's President and CEO, at multiple conferences during this time period.

7. To my knowledge, Experience never marketed or sold 1stPlace! software. Rather Experience markets a different suite of software products known as eRecruiting and eProNet.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON JUNE 18, 2004.

/s/ Erik Mulloy
Erik Mulloy

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